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Summer 7-1-2003

# Public Sector Safety Report, Summer 2003

Maine Department of Labor

Maine Public Sector Enforcement

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Summer 2003

**MAINE**  
**DEPARTMENT OF**  
**LABOR**  
*Public Sector Enforcement*

**Public Sector**  
**S A F E T Y R E P O R T**

***Public Sector Enforcement activity April through June 2003***

**Total Adjusted Penalty Amount: \$60,880.00**

- Initial penalty amounts can be reduced 10-45% on the basis of employer size and 15-25% based on good faith effort. During this period initial penalty amounts were reduced a total of 68%.
- In many cases all or a percentage of the penalty are returned to the employer to use to correct the hazards. The amount returned is based on a discussion with the employer after the corrections have been made.

**Most Cited Violations**

- **29CFR1910.157(e)(2)** Portable fire extinguishers were not visually inspected at least monthly.
- **29CFR1910.134(e)(1)** The employer had not provided a medical evaluation to determine the employee's ability to use a respirator, prior to fit-testing or respirator use.
- **29CFR1910.132(d)** The employer had not assessed the workplace to determine what hazards are present, or are likely to be present, which require the use of personal protective equipment.
- **29CFR1910.134(f)(2)** The employer did not ensure that an employee using a tight-fitting face piece respirator was fit tested prior to initial use of the respirator, and at least annually thereafter.
- **29CFR1910.147(c)(4)(ii)** The employer did not have a written lockout/tagout procedure that clearly and specifically outline the scope, purpose, authorization, rules and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance.

***Reporting time has changed***

Public sector employers must notify the Bureau of Labor Standards Workplace Safety and Health Division within 24 hours if an injured worker has an overnight hospital stay and within 8 hours in case of a death. Weekdays (except state holidays) from 8 a.m. to 5 p.m. call toll-free 877-723-3345. At other times, fax to 624-6449 or call on pager 750-1852.

***Appeals are time sensitive***

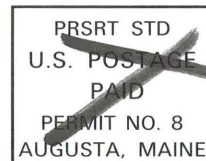
Following a public sector safety and health inspection, the employer receives a written report by certified mail. If the report includes citations and/or penalties, the employer can file a written appeal, but only within 15 days from when the report is received.

***Child labor laws apply to public sector workplaces***

As a result of recent legislation, all public sector workplaces are now covered by Maine child labor laws. For more information on these laws, go to [www.Maine.gov/labor/bls/wagehour.htm](http://www.Maine.gov/labor/bls/wagehour.htm) or call 624-6400.

***Regulations and compliance assistance for Maine public sector workplaces can be found on the internet at <http://www.Maine.gov/labor/bls/newpsw.htm>***

The Maine Department of Labor provides equal opportunity in employment and programs. Auxiliary aids and services are available upon request to individuals with disabilities.



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# Public Sector

## S A F E T Y R E P O R T

Summer 2003

# Public Sector

## S A F E T Y R E P O R T

*The Public Sector Safety Report* is issued quarterly to inform public sector employers and employees of safety and health enforcement issues. Published by the Maine Department of Labor, the compliance and enforcement agency for occupational safety and health regulations for public sector workplaces in Maine.

**Please post this Report to share the information with employees.**

To be added to the mailing list, or to make address corrections, send information to *Public Sector Safety Report*, MDOL, 45 State House Station, Augusta, ME 04333-0045, fax to (207) 624-6449 or e-mail at [webmaster.bls@Maine.gov](mailto:webmaster.bls@Maine.gov) TTY 1-800-794-1110.